

REMARKS:

In the Office Action dated June 20, 2007, a new oath was required including an acknowledgement of the duty to disclose information which is material to patentability of the application. A substitute oath including this statement is submitted herewith.

An editorial change has been made in the specification to correct a typographical error therein.

Editorial changes also have been made in independent claim 5 to conform the language of claim 5 to recently-enacted guidelines within the Patent and Trademark Office regarding the use of functional language, and since the term "configured" is now preferred over the term "adapted."

Editorial changes also have been made in method claim 10 to set forth the method steps in more conventional method phrasing. Similar changes have been made in claims 11 through 14.

New claims 15 and 16 have been added to claim further combinations of the settings of the VV time delay and/or the evoked response detection time window.

None of these changes have been made for the purpose of distinguishing any claim over the teachings of the prior art of record.

Claims 5, 6, 10 and 11 were rejected under 35 U.S.C. §102(e) as being anticipated by Bradley et al. Claims 7-9 and 12-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bradley et al.

These rejections are respectfully traversed for the following reasons.

Each of independent claims 5 and 10 as originally filed expressly stated that the VV time delay is set so as to be shorter than the evoked response detection time window. In substantiating the anticipation rejection of those claims based on the disclosure of Bradley et al., the Examiner did not comment on this language in the independent claims, and did not provide a citation from the Bradley et al. reference that the Examiner considers to disclose this limitation of independent claims 5 and 10. Applicants submit that there is no such disclosure in the Bradley et al. reference.

In the Bradley et al. reference, as explicitly stated in the paragraph beginning at column 14, line 18, the evoked response detection time window 368 is set *during* the inter-ventricular delay 364 such that an evoked response may be detected in the right chamber prior to delivering a stimulation pulse to the left ventricle (emphasis added). Applicants submit that the description of the evoked response detection window 368 being set during the inter-ventricular delay 364 in Bradley et al. necessarily means that the evoked response detection window 368 must be shorter, or at least coextensive with, the inter-ventricular delay 364. This is exactly the opposite of the aforementioned limitation in claims 5 and 10 of the present application of the VV time delay being shorter than the evoked response detection time window. This is why, under the circumstances described in independent claims 5 and 10 of the present application, it is necessary to close the evoked response detection window in response to emission of a stimulation pulse to the second-stimulated ventricle during the evoked response detection window, following the first-stimulated ventricle. This allows the use of a longer time to search for the evoked response in the subject matter disclosed and claimed in the present application. In the Bradley et al. reference, the evoked response detection window 368 cannot be any longer than the inter-ventricular delay 364, and in fact is intentionally set so as to be shorter than the inter-ventricular delay 364. This affords much less opportunity for an evoked response to occur and be detected in the Bradley et al. reference.

Applicants note that the Bradley et al. reference states, in the paragraph beginning at column 14, line 45, that alternatively stimulation to the opposite chamber could be inhibited upon sensing an intrinsic depolarization in the opposite chamber. This is not the same as the subject matter of the present application, however, because in that paragraph Bradley et al. are inhibiting stimulation *upon the detection* of an evoked response, and this says nothing about the actual length of the evoked response detection window. In fact, the aforementioned situation in Bradley et al., as stated in the same paragraph, is to account for the possibility of the conduction time between the right and left chambers being shorter than the inter-chamber delay, so that a

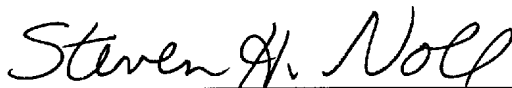
test pulse that captures the tested chamber will produce a depolarization that is conducted to the opposite chamber, thereby causing depolarization of the opposite chamber as well.

5 Since the Bradley et al. reference expressly discloses the opposite of the subject matter of claims 5 and 10, neither of those claims are anticipated by the Bradley et al. reference, nor are claims 6 and 11 respectively depending therefrom.

10 Moreover, as to claims 7-9 and 12-14 (and newly added claims 15 and 16), the Examiner acknowledged that the Bradley et al. reference does not disclose any specific time ranges. The Examiner concluded the time ranges of the aforementioned claims would have been obvious to a person of ordinary skill in the field of cardiac pacing, but this is clearly not the case for the reasons noted above. The respective times that are set in the
15 aforementioned dependent claims would be contrary to the explicit teachings of Bradley et al. Therefore, none of claims 7-9 or 12-16 would have been obvious to a person of ordinary skill in the field of cardiac pacing based on the teachings of Bradley et al.

20 All claims of the application are therefore submitted to be in condition for allowance and early reconsideration of the application is respectfully requested.

Submitted by,



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